

**THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO**

IN RE:) CHAPTER 13
) CASE NO: 23-51015
Rebecca L Horvath)
) ALAN M. KOSCHIK
) BANKRUPTCY JUDGE
)
) TRUSTEE'S MOTION TO DISMISS DUE TO
) FAILURE OF DEBTOR(S) TO MAKE PLAN
) PAYMENTS
)

DEBTOR(S)

Now comes Keith L. Rucinski, the Chapter 13 Trustee, and requests this Court to dismiss the Debtor(s) plan pursuant to 11 USC Section 1307(c)(1) as the Debtor(s) has failed to make required plan payments as required by 11 USC Section 1326. The failure to make plan payments is prejudicial to creditors who cannot be paid unless the Debtor(s) make plan payments. The Trustee states the following:

1. Debtor(s) has/have not been making his/her/their Chapter 13 Plan payments as ordered.
2. The case was filed on **07/26/2023**.
3. The monthly Plan payments are **\$9,200.00**.
4. As of this date, the payments into the Plan should total **\$138,800.00**.
5. As of this date, the payments into the Plan total **\$93,706.00**.
6. As of this date, the arrearages total is **\$45,094.00**.
7. The last payment was received on **11/25/2024**.
8. The Trustee is not receiving the full plan payment of \$9200 each and every month.
9. The Trustee is making the \$2962.07 conduit mortgage payment in this case on the Debtor's residence, which is in arrears \$.60 as of the date of this motion. The conduit payment increased by \$343.51 per month in May, 2024.
10. The Trustee is making the \$1150.26 conduit mortgage payment in this case on Debtor's rental property, which is in arrears \$.23 as of the date of this motion. The conduit payment increased by \$166.07 per month in August, 2024.
11. **The Trustee states that the current payments into the Plan are not sufficient to allow the Debtor(s) to complete the plan within 60 months from the date of the petition filing; an increase in plan payments is necessary as current plan payments will not resolve the motion to dismiss.**
12. The Trustee encourages the Debtor(s) to meet with Counsel to modify the plan.
13. The payment history has been attached to this motion.

NOTICE TO ATTORNEYS

****Pursuant to this Court's Administrative Order 00-4, attorneys are required to file with the U.S. Bankruptcy Court a notice of no opposition or a notice of inability to communicate with the Debtor(s).**

Attorneys may contact Holly Byler, at the Chapter 13 Trustee's Office at 330.762.6335 ext. 225 or hbyler@ch13akron.com to resolve this motion.

If attorneys do not file a response or contact the Chapter 13 Office by noon on Tuesday before the scheduled hearing, attorneys are required to appear at any Court

CHAPTER 13
{TrusteeName}
Trustee
Akron, OH 44308
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hearing on this matter.

Debtor(s) may make a payment either online or by phone. To pay online visit www.chapter13info.com. To pay by phone call 1-888-439-5121.**

Respectfully submitted,

/s/ **Keith L. Rucinski**

Keith L. Rucinski, Chapter 13 Trustee

Ohio Reg. No. 0063137

Joseph A. Ferrise, Staff Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on 11/26/2024, the following were served a copy of this pleading:

Via Regular Mail

Rebecca L Horvath
3479 East Tuscarawas Ext.
Barberton, OH 44203

Via ECF

KATHRYN A BELFANCE ESQ (kb@rlblp.com)
Office of the US Trustee (ustpreion09.cl.ecf@usdoj.gov)
Keith L. Rucinski. Chapter 13 Trustee (krucinski@ch13akron.com)

Date of Service: 11/26/2024

By: H. Byler
Office of the Chapter 13 Trustee

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Period	Date (Month/Y ear)	Payment Due	Total Payment Due	Payment Received	Total Payment Received	Forgive Amount	Amount Due
1	7/2023	\$7,000.00	\$7,000.00				\$7,000.00
2	8/2023	\$7,000.00	\$14,000.00	\$7,000.00	\$7,000.00		\$7,000.00
3	9/2023	\$7,000.00	\$21,000.00	\$3,500.00	\$10,500.00		\$10,500.00
4	10/2023	\$7,000.00	\$28,000.00	\$3,500.00	\$14,000.00		\$14,000.00
5	11/2023	\$7,000.00	\$35,000.00	\$5,000.00	\$19,000.00		\$16,000.00
6	12/2023	\$7,000.00	\$42,000.00	\$2,000.00	\$21,000.00		\$21,000.00
7	1/2024	\$7,000.00	\$49,000.00				\$28,000.00
8	2/2024	\$7,000.00	\$56,000.00	\$14,006.00	\$35,006.00		\$20,994.00
9	3/2024	\$9,200.00	\$65,200.00				\$30,194.00
10	4/2024	\$9,200.00	\$74,400.00	\$18,400.00	\$53,406.00		\$20,994.00
11	5/2024	\$9,200.00	\$83,600.00	\$9,200.00	\$62,606.00		\$20,994.00
12	6/2024	\$9,200.00	\$92,800.00	\$5,000.00	\$67,606.00		\$25,194.00
13	7/2024	\$9,200.00	\$102,000.00	\$4,200.00	\$71,806.00		\$30,194.00
14	8/2024	\$9,200.00	\$111,200.00				\$39,394.00
15	9/2024	\$9,200.00	\$120,400.00	\$13,700.00	\$85,506.00		\$34,894.00
16	10/2024	\$9,200.00	\$129,600.00				\$44,094.00
17	11/2024	\$9,200.00	\$138,800.00	\$8,200.00	\$93,706.00		\$45,094.00